**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN**

**THURSDAY, THE 22ND FEBRUARY 2007 / 3RD PHALGUNA 1928**

**WP(C).No. 31636 of 2006(N)**
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**PETITIONER:**
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**P. UNNIKRISHNAN, AGED 48 YEARS,**
**S/O.P.KOTHA, `MIDHUNAM',**
**RAGAMALIKAPURAM, THRISSUR-4.**

**BY ADV. SRI.P.VIJAYA BHANU**
**SRI.P.SANTHOSH (PODUVAL)**

**RESPONDENTS:**
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**1. THE DIRECTOR OF LOCAL FUND AUDIT,**
**OFFICE OF DIRECTOR OF LOCAL FUND AUDIT,**
**THIRUVANANTHAPURAM-33.**

**2. THE ASSISTANT DEVELOPMENT COMMISSIONER**
**MALAPPURAM.**

**3. THE SECRETARY, PERINTHALMANNA BLOCK**
**PANCHAYATH, PERINTHALMANNA.**

**4. THE DEPUTY DIRECTOR OF LOCAL**
**FUND AUDIT, MALAPPURAM.**

**5. THE SECRETARY, LOCAL SELF GOVERNMENT**
**DEPARTMENT, THIRUVANANTHAPURAM.**

**BY GOVERNMENT PLEADER SRI. BENJAMIN PAUL**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**WP(C) NO: 31636/2006 N**

**APPENDIX**

**PETITIONER'S EXHIBITS**

**EXT.P1. COPY OF THE SAID NOTICE NO. LF. 3602/SPL. CELL/SCS/05 DT. 30/11/2005 OF THE R1.**

**EXT.P2. COPY OF THE WRITTEN REQUEST SEND BY THE PETITIONER.**

**EXT.P3. COPY OF THE NOTICE NO. LF.3602/SPL. CELL.SCS/05 DT. 2/08/2006 OF THE R1.**

*True copy*

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**Thottathil B. Radhakrishnan, J.**

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W.P.(C)No.31636 of 2006

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Dated this the 22nd day of February, 2007.

**JUDGMENT**

Following the interim order dated 1-12-2006, the petitioner has remitted 25% of the impugned demand. It is explicit from Ext.P3 that the surcharge notice dated 2-8-2006 was served on one Thankappan on behalf of the petitioner. It is not known as to who this Thankappan is or whether he is the agent of the petitioner to receive the notice. That apart, the petitioner has a case that with reference to the audit report, he will be able to sustain the objections as regards the amounts distributed. Under such circumstances, Ext.P3 is set aside and the petitioner shall be given an opportunity of hearing, including the right to place written objections to Ext.P1 after verifying the necessary materials. It is further directed that the petitioner will be given an opportunity to peruse the relevant documents within a period of one month from the date of receipt of a copy of this judgment. A final decision following this judgment shall be taken

in view of Ext.P3 within a period of six months from the date of receipt of a copy of this judgment.

Writ Petition is disposed of in the above terms.

**Thottathil B.Radhakrishnan,**
**Judge.**

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